THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.3347 OF 2006

Between:

B.Krishna Reddy son of Ramchandra Reddy

….Petitioner

vs.

Sub Registrar, Maheswaram, Ranga Reddy District

…Respondent

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.3347 OF 2006

ORAL ORDER

Heard the learned counsel for the petitioner and the learned Government pleader for Revenue for the respondent.

The petitioner claims to be the owner and in possession of land in an extent of

Ac.5.23 guntas in Sy.No.244/2 of Srinagar Village, Maheswaram Mandal, Ranga Reddy District. He claims to have executed three (3) sale deeds and presented the same before the respondent. These documents were given pending document Nos.P-132/2005, 133/2005 and 134/2005 dated 27-12-2005. The petitioner's complaint is that the respondent has withheld the documents from due registration on the ground that a legal notice was issued to him by the advocate for Bussu Bugga Ram Reddy and others on the ground that in C.M.P.No.11513 of 2004 in A.S.No.2388 of 2004, this Court had passed an order restraining alienation by the petitioner. This is in respect of pending document No.P-133 of 2005. In respect of the other documents the registration and release of documents has been withheld simplicitor, is the complaint.

In the counter-affidavit, the respondent states that pending document Nos.P-132 and 134 of 2005 were registered on 02-01-2006 even before writ petition was filed. Insofar as pending document No.P-133 of 2005 is concerned, the counter-affidavit avers that it was not registered or released in view of the orders of this Court in C.M.P.No.11513 of 2004 in A.S.No.2388 of 2004 dated 18-06-2004. A.S.No.2388 of 2004 is an appeal by one Bussu Bugga Ram Reddy and three others against the petitioner and three others-arrayed as respondents to the appeal. In the appeal on 18-06-2004 in C.M.P.No.11513 of 2004 this Court passed the following order::

> " Heard the counsel.
>
> It is represented that during the pendency of the suit the petitioners had the advantage of interim order in their favour relating to these items also. In view of the same, interim injunction is hereby granted restraining the respondents from interfering with the suit schedule land in S.Nos.239, an extent of Ac.5.6 gts., in S.No.244/2 an extent of Ac.2.30 gts in S.No.12/2 an extent of 0.24 gts and in S.No.14/2 an extent of 0.08 gts. until further orders.
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> Notice."

The learned Government Pleader for revenue supports the plea in the counter-affidavit filed by the respondent, that the order of this Court dated 18-06-2004 above obligates the respondent to refrain from according registration to the pending document No.133 of 2005 presented by the petitioner for execution. On a true and fair construction of the order of this Court dated 18-06-2004 no such inference or obligation by the respondent is discernable. This Court in the order

dated 18-06-2004, in the context of appeal between certain parties had merely directed that the respondents (including the petitioner herein) are injuncted ad-interim from interfering with the suit schedule land in certain survey numbers which include the property which is presented for registration in pending document No.P-133 of 2005. Nothing in the order of this court restricts either explicitly or by any necessary implication the alienation of the property by the petitioner or what is relevant the statutory jurisdiction and concomitant obligation of the respondent to accord registration to the document if it is otherwise in accordance with law. The conclusion of the respondent to the contrary is wholly misconceived and proceeds on a fundamental misconception of law and facts and misinterpretation of the order of this Court supra.

Accordingly the writ petition is allowed. The respondent is directed to forthwith process the pending document No.P-133 of 2005 for registration if the document is otherwise in accordance with law and without assuming that the order of this Court dated 18-06-2004 in C.M.P. No.11513 of 2004 in A.S.No. 2388 of 2004 interdicts the respondent's jurisdiction to exercise his statutory powers under the Registration Act,1908. The respondent shall exercise his statutory powers as directed above within a period of three (3) days from the date of receipt of a copy of this Order and shall communicate its decision or the document (if registered) to the eligible claimants (if the document is found eligible to be registered) within the aforesaid time. In the circumstances, there shall be no order as to costs.

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GODA RAGHURAM,J

3rd MARCH 2006

*TSNR